



Office of the



State Superintendent of Education

Supporting Documentation for HOD/SA Implementation

Issued: March 23, 2012

The following list outlines documents that will be used to confirm that a Hearing Officer Determination (HOD) or Settlement Agreement (SA) is timely implemented. Please note that these are minimum guidelines established by OSSE for all Local Education Agencies (LEAs). OSSE will apply reasonable standards where extenuating circumstances exist or where these guidelines do not address required action documentation. All LEAs are responsible for compliance with the Agreement of the Parties Regarding *Jones* Compliance, including applicable provisions attached to these guidelines. Please find this document attached and also available on the OSSE website.

LEAs may establish additional guidelines for staff within the LEA to support compliance. Please contact Victoria Glick at 202-724-7860 and Kirstin Hansen at 202-741-0274 with any questions regarding OSSE's Required Action documentation submission guidelines.

Required Actions by Blackman/Jones Database Mapping

1. Assessments (Includes all Assessment Types)
 - a. Independent Assessment
 - i. Evaluation report with date of evaluation or report, and
 - ii. Cancelled check or other documentation of payment in compliance with guidelines on reimbursement (provision 7 below), and
 - iii. Where required by an HOD or SA; certified mail, e mail, or fax confirmation that authorization of an independent assessment was provided to the parent or parent's counsel.
 - iv. If applicable, additional documentation required by Agreement of the Parties Regarding *Jones* Compliance at paragraph I(1)(b)(i) – (iii), and
 - v. If applicable, provider service logs for interim services required by Agreement of the Parties Regarding *Jones* Compliance at paragraph I(1)(c).
 - b. LEA Assessment
 - i. Evaluation report with date of evaluation or report, and
 - ii. Certified mail, email, or fax confirmation that LEA sent the evaluation report to the parent or parent's counsel, or
 - iii. Meeting notes indicating parent or parent's counsel received the evaluation report at the meeting.

2. Provide Documents

- a. An email, certified mail, or fax confirmation verifying that the documents were sent to receiving party; or
- b. Signed statement or email from receiving party that document was delivered, or
- c. Meeting notes indicating receiving party received the document at the meeting.

3. Placement

- a. Prior Notice of Placement (PNOP) signed by LEA personnel, and
- b. fax confirmation indicating that the document was uploaded into SEDS, and
- c. Email, certified mail or fax confirmation indicating that the document was sent to the parent or parent's counsel, or
- d. Signed statement or email from the parent or parent's counsel that confirms the document was received, or
- e. Meeting notes indicating that the parent or parent's counsel received the document at the meeting

4. Hold a Meeting

- a. Hold an Eligibility Meeting
 - i. Draft Eligibility Determination Report with signature of all required team members, and
 - ii. Final Eligibility Determination Report
- b. Hold a Manifestation Meeting
 - i. SEDS generated manifestation determination meeting worksheet with all team member signatures, or
 - ii. Meeting notes documenting regulatory required manifestation determination decision points.
- c. Hold a Meeting (all additional meetings, including Placement, Compensatory Education or Review IEP Meeting)
 - i. Revised IEP with parent signature where revision is applicable, and
 - ii. Meeting Sign-in page with all required team member signatures, and
 - iii. Meeting notes reflecting discussion of all required discussion topics
- d. For all meetings, if the parties were unable to find a mutually agreeable time to meet, all documentation required under the "Extension of Timelines" section must be uploaded into the Blackman/Jones Database.
- e. For all meetings, where timeliness of a meeting requires calculation of the date an evaluation report is delivered to an LEA, documentation confirming the date the report was delivered to the LEA.
- f. For all meetings, if applicable, additional documentation required by Agreement of the Parties Regarding *Jones* Compliance at paragraph II(10)(a) and (b).

5. One to One Aide
 - a. Written confirmation from the LEA of dedicated aide assignment, naming specific staff, and service start date.
6. Parent Action
 - a. Documentation that is consistent with the requirements of the HOD or SA. In determining sufficiency of this documentation, OSSE will rely on the provisions of these guidelines.
7. Reimbursement
 - a. Cancelled check, or
 - b. Other documentation of payment, including payment system screen shot showing information that would appear on the check, or
 - c. Email or signed statement from the receiving party acknowledging receipt of payment.
8. Compensatory Education Plan
 - a. Develop/Review Compensatory Education Plan
 - i. Completed compensatory education plan, or
 - ii. MDT meeting notes indicating compensatory education award was decided by the IEP team, or
 - iii. Email indicating parent or parent's counsel agreement with final award subsequent to an IEP meeting where compensatory education was discussed.
 - b. Implement/Fund Pre-Determined Compensatory Education,
 - i. Signed provider itemization of the services provided beginning on the date or in the week specified by the HOD or SA, and
 - ii. If applicable, additional documentation as required by the Agreement of the Parties Regarding *Jones* Compliance at paragraph I(1)(b)(i) – (iii), and
 - iii. Cancelled check or other documentation of payment in compliance with the guidelines on reimbursement (provision 7 above).
9. Develop Behavioral Intervention Plan (BIP)
 - a. Completed behavioral intervention plan; and
 - b. Documentation the BIP was provided to the parent or parent's counsel via certified mail, fax, or email.
10. Provide Equipment
 - a. Receipt, signed by the parent or parent's counsel, confirming receipt of the specified item.

11. Provide Transportation

- a. SEDS generated Transportation Request Form, or
- b. DOT Trapeze routing confirmation, and
- c. Email, certified mail, or fax confirmation verifying that the transportation request form has been sent to the parent or parent's counsel

12. Attorney's Fees

- a. Cancelled check, email or signed statement from parent's counsel confirming payment, or other documentation of payment.

Extension of Timelines

1. In no case shall an LEA seek to extend timelines based solely on the LEA's failure to timely begin or continue implementation of any provision of the SA or HOD.
2. In no case shall an LEA seek to extend timelines while waiting for the parent to complete a precursor event (i.e., provide an independent evaluation), unless that extension accurately reflects the amount of time during which the LEA was both 1) waiting for the precursor event, and 2) making diligent efforts to obtain the precursor.
3. The LEA and the parent or parent's counsel must agree, in writing, specifically to an extension of timelines specified in the SA or HOD.
4. The written agreement to extend a timeline must be uploaded into the Blackman/Jones database within ten (10) business days of the written agreement.
5. In the case that the LEA is unable to obtain written agreement, and the LEA seeks to extend the timeline, the LEA may not receive an extension without ensuring that requirements related to diligent efforts are met. The LEA must also upload a document that:
 - a. Details both the reason for the timeline extension and the assistance offered to avoid the need for such an extension, and
 - b. Provide documents that contemporaneously offer assistance and show efforts made by the LEA representative, and
 - c. Contains a justification by the Head of the LEA or LEA representative's supervisor as to why the extension was granted and that the extension is not longer than necessary based on the facts presented.

Documentation of Diligent Efforts Required Prior to Granting an Extension of Timeline

1. For Convening a Meeting –
 - a. Within 15 days:
 - i. In cases where HODs/SAs require meetings to be held within 15 days after a) the HOD or SA requiring the meeting, or b) a precursor event (i.e., provide an independent evaluation), documentation of correspondence from LEA to parent or parent’s counsel within 2 business days of a) or b), proposing 3 meeting dates, to parent or parent’s counsel, before the deadline in the HOD/SA.
 - ii. If the parent or parent’s counsel does not respond to the request for dates within two business days after the request was sent, the Letter of Invitation (LOI) sent to the parent after the second day, including 2 proposed dates and/or times before the deadline in the HOD/SA.
 - b. 15 days or more
 - i. In cases where HODs and SAs require meetings to be held 15 days or more after a) the HOD or SA requiring the meeting, or b) a precursor event (i.e., provide an independent education evaluation), documentation of correspondence from LEA to parent or parent’s counsel within 3 business days of a) or b), proposing 3 meeting dates, to parent or parent’s counsel prior to the deadline in the HOD/SA.
 - ii. If the parent or parent’s counsel does not respond to the request for dates within 3 business days after the request was sent, the Letter of Invitation (LOI) sent to the parent after the second day, including 2 proposed dates and/or times before the deadline in the HOD/SA.
2. For Nonpublic Placement –
 - a. A prior notice of placement (PNOP) is always required.
 - b. Signed document from parent or parent’s counsel indicating nonpublic placement is no longer desired and student is enrolled and attending another school; or
 - c. Documentation that LEA has implemented truancy procedures.
3. For Transportation –
 - a. Original documentation of transportation under provision 11 above; and
 - b. Additional written correspondence to OSSE DOT regarding the transportation route and start date; and
 - c. Documentation that written notice was provided to OSSE within 24 hours of the LEA receiving notice from the parent or parent’s counsel that transportation has not been implemented.

4. For Independent Evaluations –
 - a. IEE funding letter which provides information regarding local providers and rates; and
 - b. Documentation of receipt of the funding letter by parent or parent’s counsel (via email, mail, or fax); and
 - c. Correspondence to parent or parent’s counsel with reminder of deadline.
5. For Independent Compensatory Education Services -
 - a. Documentation of parent or parent’s counsel receipt of Compensatory Education Authorization Letter which provides information regarding local providers and rates; and
 - b. Correspondence to parent or parent’s counsel with reminder of deadline.
6. For Goods or Materials/Assistive Technology –
 - a. Documentation of at least three communications in at least two different modalities, between LEA and parent or parent’s counsel, regarding availability of goods or materials.
7. For Reimbursement –
 - a. Documentation of at least three communications in at least two different modalities, between LEA and parent or parent’s counsel, regarding availability of funding and guidance related to steps for payment.

Notes on timeliness and Signatures

1. Payment Date Requirements
 - a. Timely compliance with all HOD or SA requirements for payment on or before a specific date is measured by the date of the document used to show payment was made.
2. Required Action Due Dates:
 - a. Timely compliance with all HOD or SA requirements for a required action in a specified number of days will be presumed to mean calendar days, including federal holidays, unless otherwise noted in the HOD or SA.
3. Signature Requirement:
 - a. Where a parent’s signature is required, the signature of the parent’s counsel will suffice with the exception of a student’s IEP.